

United States District Court
Eastern District of Michigan

United States of America

v.

Ali Rahal /
 Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: 07-30062

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

“ (1) I find that:

- “ there is probable cause to believe that the defendant has committed an offense
- “ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
- “ under 18 U.S.C. § 924(c).

“ (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

“ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear. -

“ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

T I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- T (a) nature of the offense - Mail/wire fraud (charged in Southern District of Florida).
- T (b) weight of the evidence - Appears strong, based on supporting affidavit.
- T (c) history and characteristics of the defendant - Defendant is illegal alien, subject to INS detainer.
 - T 1) physical and mental condition - Good health.
 - T 2) employment, financial, family ties - Unemployed; does have family ties; only significant asset is subject of charged fraud.
 - T 3) criminal history and record of appearance - No record of convictions, but history of failure to appear before immigration authorities.
- “ (d) probation, parole or bond at time of the alleged offense -
- “ (e) danger to another person or community -

Defendant has no lawful status in this country and is subject to exclusion. The charged offense involved numerous false representations and the use of false documents. INS further maintains that his entry into the United States was based on counterfeit documents. Pretrial Services recommends detention as a flight risk. I agree.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

s/Donald A. Scheer

Signature of Judge

Donald A. Scheer, United States Magistrate Judge

Name and Title of Judge

Date: January 25, 2007